

1132 K 22 (7)

THE
GENUINE TRIAL OF
JOHN MOTHERILL,

(More generally known by the name of the *Brightelmstone* Taylor;)

FOR A
R A P E
ON THE BODY OF
MISS CATHARINE WADE,

Daughter of Mr. WADE, MASTER of the CEREMONIES at *Brightelmstone*;

At the Affizes held at EAST GRIMSTEAD,

BEFORE

MR. JUSTICE ASHURST,

For the COUNTY of SUSSEX.

On TUESDAY the 21st of MARCH, 1786.

Together with the Pleadings of the Counsel on that very extraordinary Trial.

Taken in Short Hand by Mr. WILKINSON,

LONDON: PRINTED for R. RANDALL, No. 116, Shoe-Lane, Fleet-Street.

[Entered at Stationers Hall.]



THE
T R I A L
O F
JOHN MOTHERILL,
F O R A
R A P E, &c.

THE Grand Jury having found the bill of indictment a true bill; on Tuesday the 21st, about half after four in the afternoon, he was put to the bar before Mr. Justice ASHURST, and the following names called over as Jurymen; none of whom were challenged.

Thomas Holman,
Edward Holman,
George Vinall,
Wm. Vinall,
Richard King,
Thomas Scrace,

James Newman,
Thomas Copper,
John Wickham,
Henry Hanson,
John Tugwell,
Thomas Elger.

Council for the Crown.

Hon. Mr. Erskine,
Mr. Mingay.

For the Prisoner.

Mr. Rous,
Mr. Fielding.

B

The

The indictment charges the said John Motherill, for having carnally, and against her will, known Catharine Wade, spinster, and committed a rape on the body of the said Catharine Wade, between the hours of eleven at night of the eleventh, and five in the morning of the twelfth of September, 1785, in the Church-yard of Brighthelmstone, in the county of Suffex.

After the prisoner had been arraigned, and in the usual manner pleaded not guilty, and put himself under the protection of God and his country. The council proceeded to open the case; he expatiated largely on the enormity of the offence, and expressed his astonishment that any man should be so lost to every feeling of humanity, and so regardless of every principle of justice, as to be the total destruction of an innocent young lady, merely for momentary gratification! Had he taken the property she had about her; had he even robbed her of every shilling she was possessed of, the offence should appear of little consequence, compared to that of robbing her of her virtue; but she is now, (although innocent) a subject for calumny to point her finger at! The nature of this offence is so atrocious, that it requires no aggravation—Indeed, it can hardly admit of aggravation, for such is the disposition of mankind, that though the injured lady may be as chaste as *unfurned snow*, she will never more be considered as immaculate. The Hon. Mr. Erskine in behalf of the prosecution, expatiated fully on the law established for punishing offences of this magnitude, and stated the evidence he should produce, in support of the charge against the prisoner; particularly, that the prisoner, taking the advantage of seeing her unattended, pretended to come with a message from her father; that he then had the audacity to put his hand into her bosom, and afterwards to kiss her, declaring, at the same time, that she was a pretty girl. That, perceiving her to be terrified with such intolerable behaviour, he proceeded to greater liberties, and put his hand up her petticoats: that she resisted him as much as she was able, but resistance served only to add to his perseverance: that he afterwards forced her down the passage and conducted her to the Church-yard, at the same time putting his hand upon her mouth, to prevent her being heard, when she was exerting herself as much as possible to make her screams be attended to: that, when he arrived with her in the Church-yard,
he

he threw her down close by the church, and perpetrated the offence of which he now stands charged, and which I trust, will be made sufficiently appear, by the strongest and most unquestionable testimony. He then called the witnesses in support of the prosecution.

Miss Elizabeth Hart Sworn.

Q. Who are you ?

A. My name is Hart, I am the Daughter of Lady Hart.

Q. Are you acquainted with Catharine Wade ?

A. Yes, my Lord.

Q. What do you know respecting the charge against the prisoner at the bar.

A. On the eleventh of September, which was on a Sunday, I dined with Miss Wade, at my mother's house, and spent the day with her there. About ten o'clock, Mr. Griffiths and I accompanied her in the chariot, and went home with her to her father's. We called at the rooms in our way thither, but did not stop. Mr. Wade's apartments are at Mr. Sycamore's, in North-street, to which there is a very long passage; consequently the carriage could not drive up to the door. When the coach arrived at the steps, Mr. Griffiths got out and handed Miss Wade out; immediately after which he returned into the carriage, which drove off, as Miss Wade was then considered to be perfectly safe: they having seen her go a considerable way up the passage.

Mr. Griffiths Sworn.

My name is Griffiths, I was at Lady Hart's, on Sunday the eleventh of September, when Miss Wade was on a visit there, and, in the evening, Miss Hart and I accompanied her in the chariot to her father's, there being a long passage leading to the door of his apartments, I saw Miss Wade almost close to that door. The doors of Bright-helmstone being generally on the latch, I had no doubt but she was able to let herself in. Being asked if there was not a man passing, when he got out of the chariot, he said there was, but he could not swear that it was the prisoner.

Charles

Charles Nye Sworn.

Q. What is your name ?

A. Charles Nye.

Q. Who are you ?

A. I lived servant with Mr. Wade on the eleventh of September last.

Q. What do you know of this business ?

A. On the eleventh of September, about ten o'clock in the evening, I went to Lady Hart's, to conduct Miss Wade home from thence. When I got there, the servants told me they had just set her down at home. I returned, and not finding her, went to another lady whom she sometimes visited, whose name is Mrs. Brudenell—I could get no intelligence of her there. Soon after this, I met my master, and acquainted him that we knew not where Miss Wade was. We walked about all night, and, in the morning, we were informed that she was returned, and that a man had been taken into custody on her account. I went into Mrs. Sycamore's parlour, where I saw the prisoner, for the first time in my life; who, on being questioned about the matter, confessed he had been all night with Miss Wade, in the church yard. After this I went to the church yard, and found the rim of one of Miss Wade's buckles close by the church. The ground had an appearance as if something had been struggling on it, and many panes of the church windows were broke near the ground.

Cross Examination.

Q. Are there not a number of loose women who walk the streets in an evening at Brighthelmston ?

A. Yes, there are.

Q. Is it customary for the inhabitants of that place to go to bed earlier than eleven or twelve o'clock ?

A. No, it is not.

Q. When you returned from Lady Hart's, was your master's door, (which is a private door of Mr Sycamore's, at some little distance from the other) upon the latch ?

A. Yes it was upon the latch.

Being

Being cross examined, he could not give any reason for having used the word struggling; the ground appeared loose, and there were the prints of a man's foot; he had been out on the evening of the 11th, but came home time enough to light home Miss Wade, agreeable to his master's orders, as they supposed she would walk as usual; he admitted there were great numbers of loose women at that time at Brighthelmstone; that they frequently walked the streets in the evening, and were exceedingly well dressed; the company in general quit the rooms about ten; but he believed it was not the custom of the place to go to bed much before eleven or twelve o'clock. When he returned back from Lady Hart's, Mrs. Sycamore and the maid were at home; and his master's door which was a private one belonging to Mr. Sycamore's house, at some little distance from the other, was then upon the latch.

Catharine Wade Sworn.

After being set down by Miss Hart, I went to my father's door, and found it shut; I then went to the other door, and found that shut also; I went from one to the other several times, without being able to get admittance; and at length, I stopped at the private door. When I came out of the carriage, I observed the prisoner at the bar; he soon approached me, and asked the reason why my papa's servant did not come. I did not answer him. He then told me, he came from my papa, who was waiting to take a walk with me. I told him I was positive it was no such thing, for he would not think of walking at that time of night. He put his hand upon my bosom, which I immediately pushed away: he said I was *a very pretty girl*, and kissed me. From such behaviour I was too much terrified to speak. He now went greater lengths, and impudently put his hand up my petticoats. I repulsed him, but in vain, for he only grew more daring and persevering. At length he told me that I must not continue there, and forced me down the passage, and along North-street. I screamed, but saw nobody, and the prisoner put it out of my power to make much noise, by fixing his hand upon my mouth. I had never seen him before he forced me into the church yard, where he threw me down close by the church, and then took up my petticoats, and forcibly put his parts into mine; he hurt me very much, lay exceeding heavy upon my breast, and remained upon me one or two hours; he then got up, but in about a quarter of an hour, threw me down again at the church door, hurt me as much as before, and lay nearly as long upon me; I struggled very much, and did all I could to prevent

C.

hi.

him. Some time after he took me to a tomb stone, where he also flung me down and did the same; during which time it rained very hard, and was exceedingly wet. Afterwards he led me towards the beach, when I asked him if I was going home, he told me I was. Going down the steps, he looked round him, seemingly apprehensive that some person was near whom he would wish to avoid; but, not observing any one, he compelled me to go to one of the bathing machines, and swore at me several times, I begged to know if he was going to drown me; he said he wished the water was higher. After he had forced me into the machine, he flung me down and did the same as he had done in the church yard; at which times I felt the emission of something into my body; this he repeated while they remained in the machine. He twice flung me down in the machine, hurt my elbows and thighs, and forced me to continue there all night. It was day light before I could get away, when he led me down the steps and followed me home; where, when I arrived, I was incapable from illness, to relate what had happened.

Cross Examination.

Q. Did you suppose that his intentions were to do something improper with you, before you quitted your father's door?

A. Yes, I was convinced that he intended to do something improper.

Q. Did he lay hold of you as he went along North Street?

A. No, he did not; but I went first, and he followed me at some little distance.

Q. Were there not lights in the windows, as you passed along?

A. Yes, there were lights in several of the windows as I passed along; but I did not attempt to knock at either doors or windows.

Q. Did you suppose that you were going home, when the prisoner was conducting you down the steps at the beach?

A. No, I did not.

Q. In what manner did he convey you into the machine?

A. He led me in by my hand.

Q. When it was light, how did you express yourself respecting your going home?

A. I

A. I said the women would be coming to bathe, and would find us there ; upon which we quitted the machine, and he led me home.

N. B. It may be necessary to observe that Miss Wade was examined by Mr. Fuller, the day after the occurrence, and her deposition upon oath taken down, which deposition was in court, and materially differed from the evidence she then gave. On her former examination, she said the prisoner threw her down as soon as she entered the Church-yard ; but she deposed in court, that it was close to the church. And, on the former examination, when she asked him if he meant to drown her, she then said his answer was no ; without taking any notice of his having said he wished the water higher. But, it is probable, that the confused state she must have been in exposed to the whole court upon such a business, added to the perturbation of her mind, might occasion some little deviations from the evidence given at a very distant period.

Mr. Wade, was then called, who said, he had his daughter educated at the Benedictine Convent at Calais ; where she had been there twelve or thirteen years, and was now about one and twenty years of age ; that she returned to England last June ; she was therefore a total stranger, unaccustomed to the deceits in the busy world ; and besides which, he had the unhappiness to lament that nature had been niggard of her usual bounties to her, her intellects being weak, and her judgment very deficient.

Returning from the rooms on Sunday night, the 11th of September, about eleven o'clock, he met his servant, much flurried, who told him his daughter had been missing an hour, and that he could get no tidings of her.

He said his feelings on receiving this information, were such as only a father could form an idea of :—almost distracted, he went in search of her without scarcely knowing where, the whole night ; he dispatched several people for the same purpose, to no effect, till between five and six in the morning, when one of them met him, and told him that his daughter was at home, and that they had taken a man into custody who was seen following her ; who, on finding him observed, had endeavoured to escape, but running up a passage which was no thorough fare, he was easily laid hold of. Mr. Wade immediately went home, and there he found his daughter in a situation that it is impossible to describe ; her dress was in a most terrible condition ; wet, dirty, torn : the agitation of her spirits were such, that they had entirely deprived her of her reason ; the sight was too shocking for him to bear, and he left her to the care of his worthy and valuable friend, Mrs. Sycamore. He then went into the room, to see the wretch who had thus plunged him into misery ; and upon asking the monster whether he had
been

been all night with his child, he said, "I have been a very wicked wretch, and have deserved to be hanged a long time;" but made no other reply to his question. He perceived the prisoner's hand to be grimed with blood, and asked him how it came so; who answered, "It was nature."

Mr. Wade went out to fetch a constable, that he might leave him in the hands of authority, until he could have him before a justice of peace, there not being one at Brighthelmstone.

When the constable came they stript the prisoner of his shirt which was all blood and filth; the constable took it into his custody, and would produce it in court. He then set off to Hastings, and Mr. Fuller was so obliging as to return with him in the chaise, who, after examining the prisoner, committed him to Horsham gaol. He sent for Mr. Lowdell a surgeon, to examine his daughter; she was afterwards examined by Mr. Lowdell and Mr. Griffiths together. He believed it might be five or six hours after her return before he sent for the surgeon. In the afternoon, she was able to make a deposition of the whole transaction to Mr. Fuller, who had it taken down, and sworn to. The reason he had not sent sooner for a surgeon, was not only the agitation of his spirits, but from the first wish that engaged his mind, being to procure justice on the destroyer of his child's state of mind and future prospect of felicity.

Ann Sycamore sworn.

Ann Sycamore. I keep the house where Mr. Wade lodged.

Q. Well, what do you know of this matter.

A. There never was a more pure innocent creature living, to be sure, than Mr. Wade's daughter. If she did go with the prisoner, I am sure it was as lamb going to the slaughter.

Q. How is Catharine Wade, with regard to her understanding or intellects.

A. She is certainly very deficient in that respect, and even incapable of finding her way home from a neighbour's house. When she came home in the morning, I met her at the door; she looked most shockingly, and seemed to be too weak to cry. Some time after the prisoner was brought in, when I opened the door of the room where he was, and asked her if she knew him, she instantly replied, that is him. I then conducted her to bed, her cloaths not being fit to be seen. *Her cloaths were now produced in court.*

The

The cloaths were produced, her shift, petticoats, and gown were in such a situation as to strike every person in court with horror; the rest of her cloaths were much torn and entirely spoilt.

Q. Have you any thing more to say on this business ?

A. Her thigh was very much bruised, and the marks of fingers appeared dented under her right shoulder; she had also a bruise upon her back, and one on each of her elbows. Being put to bed, she continued there upwards of two hours.

She was asked, if she did not believe it was possible that the linen might have become in the situation it had been shewn to the court from natural causes? She replied, she believed it might; and though she was then unacquainted with it, she since understood such to be Miss Wade's state of body at that time.

The constable was then called who took the prisoner into custody. He produced the shirt which had been stripped from him at the time, and it appeared to be in the situation as described by Mr. Wade.

Two eminent surgeons were then called in, viz. Mr. Griffiths (who gave his evidence before respecting Miss Wade's visit to Lady Hart, and his conducting her home) and a Mr. Lowdell; but doctors will disagree, and upon this trial they differed materially in their opinions; one of them declaring he did not think there was the appearance of violence in certain parts, sufficient for him to decide that any connections had taken place; as the other thought otherwise.

Mr. Lowdell, a surgeon, was sent for by Mr. Wade, on the 12th of September, to examine the state of his daughter's body. He found a black spot on each of her elbows, another on her left thigh, and another on the lower part of her back. As to any violence of another kind having been committed on her body, the parts, though somewhat irritated, had not, he thought, the appearance necessary to warrant him to declare such was the case; for although he found the membrane hymen gone, it was often the case from many circumstances besides coition; and that single circumstance excepted, there was not any grounds for supposing she ever had any connexion with man. He was firmly of opinion that the linen might have become in the state from natural causes only, though he readily admitted that coition at that time would occasion a much greater overflow than common. He was

D.

asked.

asked by the Counsel whether he had not said to Lord Sheffield, that she had been perforated? He answered he believed he might.

Mr. Griffith depofes that he had alfo examined her body, and was of opinion there was every reason to conclude, that ſhe had ſuffered great violence, and had been violated. When he firſt ſaw her, the parts were greatly inflamed, and he ordered them to be waſhed with a ſponge, dipped in ſoap and water; this he did for the double purpoſe of ſtopping the inflammation, and preventing, if poſſible, any infection; although he had very little apprehenſion, provided the man had been infected with a venereal complaint, of its taking effect; as her body at that time was, no doubt, in a ſtate of natural evacuation. Though he admitted that to be the caſe with reſpect to her ſtate of body, he could not ſuffer it to paſs as his opinion, that what had been ſeen upon the linen was the effects of nature only; certainly ſomething had aggravated a more than common overflow;—and what could poſſibly act as ſuch an aggravation at that time, as violent and repeated coition.

Mr. Lowdell upon being called upon by Mr. Fielding, ſaid, he did not think, that either uſing ſoap and water five or ſix hours after the act, or a female being in that ſituation, would be ſafe from the infection—he rather thought, that as the veſſels of her body would be more open, ſhe would be the more likely to take it.

Mr. Erſkine ſaid he could not conceive this argument was of much conſequence in the preſent caſe, as the man had not been proved to be infected.

Mr. Lowdell ſearched the man when he was taken up, when he found he had a gleet, which he ſuppoſed to be the remains of a confirmed complaint.

Here Mr. Erſkine cloſed his evidence for the proſecution.

Judge Aſhurſt. Priſoner, have you any thing to ſay in your defence?

Priſoner. I leave it entirely with my Counsel.

Mr. Fielding. My Lord, the evidence for the proſecution having proved what we meant to have called witneſſes for—That from the number of common women continually about the ſtreets, it was poſſible to miſtake.

Judge Aſhurſt. That entirely depends upon the manner the jury underſtood it.

Mr.

Mr. Fielding. Certainly, my Lord; but as that has been the case, and we have endeavoured to shew its force by the cross examinations, we do not mean to trouble the court any further.

The learned judge summed up the evidence with great ingenuity and impartiality. He recapitulated every material part of what had been deposed, judiciously commenting upon every circumstance, and then left it to the decision of the jury. They had been consulting together for almost half an hour, and appeared to be somewhat embarrassed respecting the verdict they should give. At length they addressed the court, requesting to know if any punishment could be inflicted on the prisoner short of death. They were informed that there was no alternative but death or acquittal; when expressing their doubts about some particulars, they, in a few minutes, brought in a verdict *Nor Guilty*.

This extraordinary trial began at half an hour after four in the afternoon, and lasted 'till almost ten at night.

F I N I S.

This Day is published, Price One Shilling.

(Embellished with the Head of the Author, finely Engraved.)

THE CASE OF

JOHN MOTHERILL,

THE BRIGHTHELMSTONE TAYLOR;

INCLUDING

AN historical Narrative of his Proceedings, from the 1st of May, 1785, (when he set out on his Tour to Brighthelmstone) to the 21st of March, 1786, when he was Tried at East Grinstead in Sussex, for a Rape. Containing the particulars of his accidentally meeting with the young Lady; what happened previous to their arrival at Brighthelmstone Church Yard; the business transacted there, the reasons why the scene of action was removed from that awful spot, to the Bathing Machine, what happened afterwards, &c. Wherein every transaction is minutely related, without suppressing a single circumstance whether it militates against or for him.

WRITTEN BY HIMSELF,

And attested in the presence of several Witnesses.

THE NATIONAL ANTHROPOLOGICAL ARCHIVES
WASHINGTON, D. C. 20560
RECEIVED

THE NATIONAL ANTHROPOLOGICAL ARCHIVES
WASHINGTON, D. C. 20560
RECEIVED



THE NATIONAL ANTHROPOLOGICAL ARCHIVES
WASHINGTON, D. C. 20560
RECEIVED

THE NATIONAL ANTHROPOLOGICAL ARCHIVES
WASHINGTON, D. C. 20560
RECEIVED

THE NATIONAL ANTHROPOLOGICAL ARCHIVES
WASHINGTON, D. C. 20560
RECEIVED